

## **CHAPTER 29.2420. HERITAGE SITE OVERLAY <sup>1</sup>**

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### **29.24-20.010. Purpose and Effect of Chapter.**

Brigham City has a rich historical legacy that is evident in the number of buildings and sites in the City that are eligible for the National Register of Historic Places. The Planning Commission and City Council of Brigham City have found that it is in the interest of the citizens of Brigham City that these buildings and sites be preserved in a state that does not detract from their historical character, as a physical reminder of the historical heritage of Brigham City. To this end, the City Council has adopted design guidelines and a design review ordinance that govern the RDA #1 District bounded by 100 North, 200 South, 100 West and 100 East. The heritage Site Overlay Zone is intended to provide for economically viable uses for historic buildings and sites located outside of the RDA #1 District. It is the purpose and intent of the City Council that such uses occur in a planned setting which will be compatible and complimentary with adjacent uses including, but not limited to, nearby residential neighborhoods, and will promote a high level of architectural and landscaping excellence. It is further the purpose and intent of the City Council that preservation of the site's listing or eligibility for listing on the National Register of Historic places, and adherence to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (hereafter "Secretary of Interior's Standards"), are required in any approval.

### **29.24-20.020. Permitted or Conditional Use Review.**

The provisions of this chapter shall apply to buildings and sites listed or eligible for listing on the National Register of Historic Places, and which are located outside of the jurisdiction of Chapter 29.11.130. All uses listed as permitted or conditional uses in the underlying zone shall be considered as permitted or conditional uses when proposed for buildings or sites which are listed or eligible for listing on the National Register of Historic Places. However, no such use shall be approved that would result in the loss of eligibility or removal of a site from the National Register of Historic Places unless the Planning Commission makes a finding of fact in the course of a design review or conditional use review that the loss of such eligibility or removal from the National Register of Historic Places is necessary and in the best interest of the City. In addition to the standards contained in Chapters 29.06 and 29.1 of this Title, the Planning Commission shall consider the information and standards listed below, and may attach reasonable conditions to any approval to assure compatibility with adjacent uses.

### **29.24-20.030. Historic Preservation Commission Review**

Prior to submittal of an application to the Planning Commission for conditional or permitted use approval, or design review approval, for any site under the provisions of this Chapter, the proposal shall be presented to the Brigham City Historic Preservation Commission for its recommendations a report of the Historic Preservation Commission's recommendations regarding the proposal shall be submitted at the time of application for conditional or permitted use approval, or design review approval.

### **29.24-20.040. Findings of Fact Required.**

Prior to approval of any conditional use, the Planning Commission shall make findings of fact that the proposed use will not, under the circumstances of the particular case be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be detrimental under the following circumstances:

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<sup>1</sup> Numbering changed with Ordinance No. 07-13, dated 7/19/07

- A. If the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
- B. If the proposed use will unreasonably interfere with the lawful use of surrounding property;
- C. If the proposed use will create a need for essential municipal services which cannot be reasonably met;
- D. If the proposed use will in any other way be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or be injurious to property or improvements in the vicinity.

If a proposed conditional use is found to be contrary to the standards described in this section, the applicant may propose or consent to mitigating measures which will bring the use into conformance with the standards described in this section. If the Planning Commission determines the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the Planning Commission may deny the request for a conditional use permit.

#### **29.24-20.050. Architectural, Landscaping, and Site Plan Standards and Required Information.**

Any developer proposing development or a change in use under the provisions of this Chapter shall provide the following information:

- A. A site plan drawn to a scale of not less than 1"=20' showing the parcel intended for development and the surrounding existing development within 200 feet of the site.
- B. A detailed site plan or plans for the proposed development showing the existing and/or proposed location of main buildings, accessory buildings, parking areas, landscaped areas, pedestrian accommodations, service and loading areas, utilities, and any other site features. Wherever possible, proposed service and loading areas shall be screened from adjacent uses, the street, and residential areas.
- C. Architectural renderings and elevations of all main and accessory buildings showing existing conditions and any proposed changes or modifications. Any proposed modifications shall comply with the Secretary of Interior's Standards.
- D. A proposed landscaping plan along with a planting plan identifying proposed species type and size.
- E. A proposed parking plan.
- F. Noise, odor, exhaust, and dust sources shall be identified from all interior or exterior sources including but not limited to parking areas, trash dumpsters, mechanical equipment, processing equipment, and loading/service docks.
- G. A lighting plan showing the proposed location of site, parking, and security lighting. Such lighting shall be designed to enhance the architectural quality of the development. Lighting shall be screened from residential areas, and glare into traffic routes and streets shall be minimized.
- H. A signage plan including sign design themes for review by the Planning Commission. The Planning Commission shall not approve a development or use proposal without a sign plan. The proposed signs shall be consistent with the Secretary of Interior's Guidelines.

#### **29.24-20.060. Uses Allowed.**

Any use not listed as a permitted or conditional use in the underlying zone may be considered by the Planning Commission as a conditional use. Such uses shall be considered as required under Sections 29.24-20.020 and 29.24-20.030 above.

#### **29.24-20.070. Appeal Procedure.**

Appeal may be made by any person aggrieved by a final decision, determination, or requirement of the Planning Commission, pursuant to the standards governing appeals.

<sup>1</sup> *Complete Chapter added with Ordinance No. 99-07, 6/3/99*